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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,665	06/26/2000	Majid Mir	99-308	2942

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BOSTON, MA 02110

EXAMINER

MAUNG, ZARNI

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 08/19/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/602,665

Applicant(s)

MIR, MAJID

Examiner

Zarni Maung

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 26 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-12 are presented for examination.
2. The title of the invention is not descriptive and imprecise. A new title is required which should include, with up to twenty words, within the title some claimed features which differentiates his invention from the Prior Art. For example, the improvement of the present invention should be reflected within twenty words.
3. Claims 7, 11 and 12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 7, 11, and 12, the "whereby" clause is conclusive in that it recites a desired goal or end result which does not necessarily follow from the definitions set forth in the body of claim. The claim is thus functional (see MPEP 706.03 (c)). It has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

4. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:
A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the

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subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

5. Claims 1-12 are rejected under 35 U.S.C. § 103 as obvious over Shrader et al., U.S. Patent Number 5867713 (hereinafter Shrader), in view of Fitzgerald et al., U.S. Patent Number 5581764 (hereinafter Fitzgerald).

1. Shrader discloses a system and method for changing of a network infrastructure (see abstract). Shrader discloses the invention substantially as claimed. Taking claim 1 as an exemplary claim, Shrader discloses a method for changing of a network infrastructure, comprising:

creating a change plan that comprises instructions about how a change is to be performed (see abstract; column 2, lines 41-47, figure 3 C, column 9, lines 2-41; Plan construction); associating said change plan with one of a plurality of change categories (see column 2, lines 41-47, figures 3 C, 3 D, column 7, lines 28-62; Group-in-plan, and category-in-plan); providing said change plan to affected entities for approval (see column 2, lines 47-54; column 9, line 42 to column 12, line 48, validating the plans); and

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implementing said change plan after approval has been provided by the affected entities (see column 2, lines 47-54; column 9, line 42 to column 12, line 48); wherein said responsible entities are selected based on, and said change plan is approved in accordance with, rules related to each of said change categories into which said change plan was associated (see column 2, lines 47-54; column 9, line 42 to column 12, line 48).

6. Shrader does not explicitly show the method for managing the changing of a network infrastructure as claimed. However, Shrader suggests the process of changing a network infrastructure (see abstract). Fitzgerald, in the same filed of endeavor, discloses a system and method for managing the changing of a network (see abstract; column 7, line 50 to column 8, line 26). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Shrader by including the process of managing the changing of a network because Shrader suggests the use of administrator to monitor the changing process (see column 1, lines 15-62). One of ordinary skill in the art would have been motivated to modify Shrader by including the process of managing in view of Fitzgerald, because doing so would enabled the changing process to operate in a sufficient manner.

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7. As per claim 2, Shrader discloses the method of claim 1, wherein said affected entities are unknown to at least one other entity involved in said method (see column 2, lines 5-67, stations not included in group-in-plan).

8. As per claim 3, Shrader discloses the method of claim 1, wherein said change plan is part of a change ticket (see column 2, lines 41-67, column 7, line 28 to column 8, line 49, AppIP object containing CustFile and CatIP).

9. As per claim 4, Shrader discloses the method of claim 1, wherein said change plan is accessible by a work-flow engine (see column 7, line 28 to column 8, line 49; column 10, line 10 to column 12, line 63).

10. As per claim 5, Shrader discloses the method of claim 4, wherein said work-flow engine is implemented through use of a computer system (see column 7, line 28 to column 8, line 49; column 10, line 10 to column 12, line 63).

11. As per claim 6, Shrader discloses the method of claim 1, wherein said affected entities comprise one of a customer, a duty manager, a change coordinator, a change approver, and an operations center (see column 2, line 5 to column 5, line 54; column 7, line 28 to column 8, line 49; column 10, line 10 to column 12, line 63; workstation, LAN server 48, LCU, LAN CID utility, CustFile, CatIP, and WksIP objects).

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12. As per claim 7, Shrader discloses the method of claim 1 wherein said change categories include one of scheduled change, unscheduled change, and event response (see column 7, line 27 to column 11, line 54; CustFile, CatIP, and WksIP objects).

13. As per claims 8-12, they do not teach or further define over the limitations recited in claims 1-7 above. Therefore, claims 8-12 are also rejected for the similar reasons set forth in claims 1-7, supra.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Clean-up of orphaned server context by Bowman-Amuah, U.S. Patent Number 6496850.

(b) Integrated proxy interface for WEB based telecommunication toll-free network management using a network manager for downloading a call routing tree to client by Delano et al., U.S. Patent Number 6574661.

(c) Method and apparatus for modifying a customer order by Athavale et al., U.S. Patent Number 6539386.

(d) Method and apparatus for use of an application state storage system in interacting with on-line services by Mittal et al., U.S. Patent Number 6535913.

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(e) Integrated proxy interface for WEB based telecommunications network management by Munguia et al., U.S. Patent Number 6381644.

(f) Network restoration plan regeneration responsive to network topology changes by Rogers, U.S. Patent Number 6061735.

15. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zarni Maung whose telephone number is (703) 308-6687. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An, can be reached on (703) 305-9678. The fax phone number for this Group is (703) 308-9052. Additionally, the fax numbers for Group 2100 are as follows:

Official Faxes: (703) 746-7239

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After Final Responses: (703) 746-7238

Draft Responses: (703) 746-7240

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-3900.


ZARNI MAUNG
PRIMARY EXAMINER